<u>REMARKS</u>

This application has been carefully reviewed in light of the Office Action dated February 24, 2009. Claims 2, 8 to 21, 23, 24 and 26 to 30 have been cancelled without prejudice or disclaimer of subject matter. Claims 1, 3 to 7, 22, 25 and 31 to 40 are pending in the application, of which Claims 1, 22 and 25 are in independent form. Reconsideration and further examination are respectfully requested.

Claims 1 to 40 were rejected under 35 U.S.C. § 112 second paragraph, for alleged indefiniteness. The foregoing amendments are believed to overcome the rejection under § 112. Accordingly, reconsideration and withdrawal of the rejection under § 112 are respectfully requested.

Claims 1 to 29 and 31 to 40 were rejected under 35 U.S.C. § 102(b) over MS Windows XP Explorer (Explorer), and Claim 30 was rejected under 35 U.S.C. § 103(a) over Explorer in view of Applicant Admitted Prior Art (AAPA). Reconsideration and withdrawal of the rejections are respectfully requested.

The claims herein generally concern the classification of a plurality of images. An iconic representation of each of the images is displayed on a graphical user interface. An association is created between the plurality of images and an item representing a classification of the plurality of images, in response to the iconic representations of the plurality of images being positioned within an empty area on the graphical user interface. A single new iconic representation of the item representing the classification of all of the plurality of images is generated for display on the graphical user interface, based on the created association.

In an example embodiment described with respect to Fig. 2, thumbnail representations 105, 106, 107, 108 and 109 of unclassified images are displayed. Three images 105, 106 and 107 are selected and dragged to a point 204 within the client area 102 of the icons window 101, and as a result, an icon 205 (i.e., labelled "i0") representing a metadata item is generated and displayed in client area 102. The metadata item represented by icon 205 may be read from the file header of each of the images 105, 106 and 107. Alternatively, a reference associated with the dropped images 105, 106 and 107 may be read to an item(s) of metadata stored in memory. In this manner, a collection is generated, wherein the collection contains the selected images 105, 106 and 107. See page 20, lines 15 to 23 of the Specification.

Applicants submit that the applied references, alone or in any permissible combination, are not seen to disclose or to suggest the foregoing arrangement, particularly the notion of generating a single new iconic representation of an item representing the classification of all of the plurality of images, for display on a graphical user interface, based on an association created in response to iconic representations of a plurality of images being positioned within an empty area on the graphical user interface.

Explorer is seen to disclose dragging and dropping two thumbnails of flower images onto a "New Zealand" directory icon. However, unlike the claims herein, the two flower thumbnails are not positioned on an empty area, but rather are positioned over an area occupied by the "New Zealand" directory icon.

Moreover, Explorer is seen to be silent on generation of a single new iconic representation of an item representing the classification of all of the plurality of images.

Thus, the applied references, alone or in any permissible combination, are not seen to disclose or to suggest at least generation of a single new iconic representation of an item representing the classification of all of the plurality of images, for display on a graphical user interface, based on an association created in response to iconic representations of a plurality of images being positioned within an empty area on the graphical user interface.

In view of the foregoing amendments and remarks, independent Claims 1, 22 and 25, as well as the claims dependent therefrom, are believed to recite subject matter that would not have been obvious from the applied art, and are therefore believed to be in condition for allowance.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

CONCLUSION

No claim fees are believed due. However, should it be determined that additional claim fees are required under 37 C.F.R. 1.16 or 1.17, the Director is hereby authorized to charge such fees to Deposit Account 06-1205.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Shant Tchakerian #61,825/
Shant H. Tchakerian
Attorney for Applicants
Registration No.: 61,825

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 3387178v1